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Baker Botts L.L.P.
2001 Ross Avenue
Dallas, TX 75201-2980

EXAMINER

WILLETT, STEPHAN F

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 03/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/727,313

Applicant(s)

DAVIDSON ET AL.

Examiner

Stephan F Willett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 31-67 (not 63) is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 31-67 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/2/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC 102

1. The following is a quotation of the appropriate paragraphs of 35 U. S.C. 102(e) that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 31, 34-36, 39-44, 48-54, 57-58, 61-62, 64, 67 are rejected under 35 U.S.C. 102(e) as being anticipated by Verma et al. with Patent Number 6,614,809.

3. Regarding claim(s) 31, 36, 49, 58, 62, 64, 67, Verma teaches a tunneling server, col. 2, lines 44-46 and receiving from a client a point to point (PPP) packets, col. 1, line 13 with network address request headers, col. 5-6, lines 64-12 with an identifier identifying a destination client or second client, col. 7, lines 28-29. Verma teaches appending or encapsulating the point to point packet (signal) within an address header and data, col. 7, lines 26-28. Verma teaches communicating the response packet to the destination client, col. 7, lines 34-36. Verma teaches a first client comprising a protocol stack to generate PPP, col. 2, lines 18-20, 33-34 and payload, col. 2, line 67; col. 8, line 51. Verma teaches a tunneling module to encapsulate a network address, col. 3, lines 4-7 and removing a header, col. 3, lines 49-53, but also as mapping or header offsets, col. 9, lines 1-2 to communicate the packet (signal) to said tunneling server, col.

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3, lines 39-42 that appends a new header to form a second data unit, col. 7, lines 26-33, 52-67.

Verma teaches maintaining a session, col. 8, lines 56-61.

4. Regarding claim(s) 34, 39, 41, 50-51, Verma teaches a tunneling header appended to the PPP and encapsulated in the request header, col. 6, lines 14-15 that facilitate maintenance of the tunneling session from between the server and the first or sending client and destination client, col. 4, lines 6-8.

5. Regarding claim(s) 35, 40, Verma teaches a tunneling from L2TP, col. 6, line 58.

6. Regarding claim(s) 42, 52, Verma teaches communicating the packet (signal) toward a router as “tunnel mediator translator”, col. 6, line 52 to relay the packet to the destination client without referencing standard routing tables indexed by channel or network addresses, col. 6-7, lines 65-24 by using tunnel IDs in a “modified message”, col. 7, lines 33-34 .

7. Regarding claim(s) 43-44, 53-54, 61, Verma teaches the (destination client) identifier comprising a control channel address or ID as “address of tunnel endpoint”, Table 2 or as “its own tunnel identifier”, col. 7, lines 39-43 and as stated above these addresses or identifiers are not standard “channel addresses” as recognized by routers and accessing memory to lookup the control channel address or ID, col. 10, lines 46-48.

8. Regarding claim(s) 48, 57, Verma teaches removing the network request header, col. 8, lines 51-55.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 32-33, 37-38, 45-47, 55-56, 59-60, 63, 65-66 are rejected under 35 U.S.C. 103(a)

as being unpatentable Verma et al. with Patent Number 6,614,809 in view of Gai et al. with

Patent Number 6,697,360.

11. Regarding claim(s) 32-33, 37-38, 59-60, Verma teaches a tunneling server, col. 2, lines 44-46 and receiving from a client a point to point packets, col. 1, line 13 with network address request headers, col. 5, lines 64-65 with an identifier identifying a destination client, col. 7, lines 28-29. Verma teaches encapsulating the point to point packet within an address response header, col. 7, lines 26-28. Verma teaches communicating the response packet to the destination client, col. 7, lines 34-36. Verma teaches the invention in the above claim(s) except for explicitly teaching DHCP DISCOVER and OFFER headers. In that Verma operates to tunnel data in a computer network, the artisan would have looked to the network data tunneling arts for details of implementing resultant details of forwarding messages based on intermediate addresses. In that art, Gai, a related network data forwarding communication system, teaches “as well as tunnel interfaces”, col. 8, line 7 in order to provide tunneling capability. Gai specifically teaches “DHCPDISCOVER messages” and “DHCP OFFER message”, col. 8, 9, lines 24, 30. Further, Gai suggests allowing “switch to communicate with other portions of the network”, col. 8, lines 15-16 which will result from implementing DHCP. The motivation to incorporate DHCP messages insures dynamic address assignment is supported. Thus, it would have been obvious to one of ordinary skill in the art to incorporate DHCP as taught in Gai into the communication

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tunneling system described in Verma because Verma operates with tunneling messages and Gai suggests that optimization can be obtained by specifically applying well known DHCP address assignment as needed. Therefore, by the above rational, the above claims are rejected.

12. Regarding claims 45-47, 55-56, 65-66, the Verma-Gai patents disclose the method of the preceding claims, and includes application demands, col. 2, line 37 in Verma. The Verma-Gai patents do not explicitly disclose details of processing of data sent to client specific types of applications and their installation, for example, specific information to be applied to an application, a maintenance type application, or a portion of an application to be installed at a client. However, Official Notice is taken MPEP 2144.03 (a)) that packet content such as specific information to be applied to an application, a maintenance type application, or a portion of an application to be installed at a client are well known in the art to insure relevant data is sent and processed. It would have been obvious to one of ordinary skill in the art at the time of the application's invention to send specific information to be applied to an application, a maintenance type application, or a portion of an application to be installed at a client to obtain the advantages of sending relevant data. By the above rational, the claim is rejected.

13. Regarding claim(s) 63, Verma teaches a tunneling from L2TP, col. 6, line 58.

Response to Amendment

1. The broad claim language used is interpreted on its face and based on this interpretation the claims have been rejected.

2. The limited structure claimed, without more functional language, reads on the references provided. Thus, Applicant's arguments can not be held as persuasive regarding patentability.

3. Applicant suggests “Verma is limited to the establishment of a tunnel between the tunnel initiator [first client] and the tunnel endpoint[second client]”, Paper Filed 7/2/04, Page 14, lines 6-7. Correct, and as presently claimed. Verma teaches “appending a network address request header”, col. 5-6, lines 64-12 in response to argument at Paper Filed 7/2/04, Page 14, lines 7-9, a tunneling server with an identifier identifying a destination client or second client, col. 7, lines 28-29 and Verma teaches a first client comprising a protocol stack to generate PPP, col. 2, lines 18-20, 33-34. Thus, Applicant’s arguments can not be held as persuasive regarding patentability.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is disclosed in the Notice of References Cited. A close review of the references is suggested. A close review of the Chuah reference with Patent Number 6,449,272 is suggested. The other references cited teach numerous other ways to tunnel through firewalls and PNs with alternative addressing schemes, thus a close review of them is suggested.

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

5. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

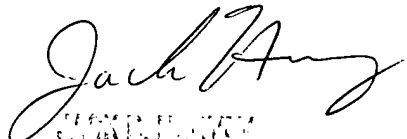
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephan Willett whose telephone number is (571) 272-3890. The examiner can normally be reached Monday through Friday from 8:00 AM to 6:00 PM.

7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey, can be reached on (571) 272-3896. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

sfw

March 5, 2005


JACK HARVEY
SUPERVISOR/ART UNIT EXAMINER